

DRAFT 1.

REFLECTORS

From the Mosaic law precept of an eye for an eye, a tooth for a tooth, through the development of Graeco-Roman law and the tribal customs of Western Europe to the present day, there has been a continuing recognition that one of the functions of the sovereign is the protection of the persons of its citizens, one from the other.

There is no right accorded a greater protection in the Anglo-American legal tradition than that to inviolability of one's person. In addition to the criminal penalties imposed upon one who violates the person of another, one of the earliest civil actions recognized was that of trespass which permitted the person violated to recover from his assailant a sum of money in compensation for damage or injuries sustained.

In the present day the protection afforded, both civil and criminal, has been extended. One is protected from offensive as well as injurious actions directed against his person; he is protected from unwarranted restriction of his freedom of movement; he is permitted to defend himself, and those close to him, without himself incurring penalty; he is protected from threatening action as well as from action that actually results in harm.

Now we see in the acts of certain Soviet and satellite officials, who seek to secure the return of persons who have fled from the Communist tyranny, acts which are violatory of these traditionally protected rights. Technically one might be able to make a case in a court of law, but the

spirit in which this protection is accorded is clearly breached. There is no indication that these Communist officials are currently engaging in physical violence within the United States, but one need only recall the murder of Juliet Poyntz, the murder of Walter Krivitsky, both within the United States, and the murder of Trotsky in Mexico, to realize the present disavowal of violence is a creature of expediency. Ample evidence indicates that once a refugee is induced by threats and false promises to return behind the iron curtain, he is subjected to whatever force, including murder, Communist expediency dictates.

Much as we may lament the policies followed by the Communists within their own territories, our primary concern is necessarily with their acts outside such territories, and especially within the United States. Through fraud and misrepresentation in newspaper, radio and mail advertising campaigns they seek to induce return of refugees under promises of immunity which in practice turn out to be ephemeral. Such campaigns are re-enforced by personal contacts of Communist officials with refugees who seem most susceptible to such inducement. At such contacts these officials have on numerous occasions divested themselves of any official status and violated the conditions of any diplomatic immunity which might have been afforded them. They have used false names and false credentials. Instead of providing interviews within their diplomatic premises, which might at least have the color of an official act, they have arranged clandestine meetings with these refugees over a period of time in order to strengthen the inducement for return. They

have sought to induce return by false pretenses, by promises of immunity, by promises of jobs, by promises of reunion of families. In the event, these promises have been proved false more often than true. To their cajolery they have added threats, sometimes clearly spoken, sometimes most indirect. A favorite procedure is to provide the refugee with letters from relatives whom he has left behind. If the refugee is sufficiently sophisticated to realize that the promises are meaningless, if he has some conception of the unbridled power and amorality of the Communist regime, it does not require a direct statement for him to realize that, since his relatives have been identified, they remain in jeopardy so long as he refuses to return.

In American parlance we have names for those who seek to influence others through fraud and threats and force. We call them racketeers and confidence men and we have laws by which the public are afforded some protection from their actions. That those who act in such a fashion are the employees of a foreign government should not exclude them from the deterrent power of our laws. That they use their official status as a cloak for their activity makes the offense more nefarious. By their actions they violate the hospitality of their hosts and for this reason alone should be divested of such hospitality. In addition, they offer positive injury to those whom it is the function of this government to protect.

If, due to the clandestine nature of much of their activity and the disinclination of the victims thereof to testify in a court out of fear for loved ones still under tyrannical control, their prosecution is

not possible, then as a minimum we can officially restrict or curtail their activities.

If one private person approached another and used force against him or restricted his movements without consent, or obtained such consent through fraudulent means or threatened him with violence or in any way sought to influence his actions through fraud, misrepresentation or implication of harm to himself or his family, then that aggressor would be punished and the victim protected under our laws. When the aggressor is not an individual but a State claiming official sanction for its actions, the need for the protection is greater for the wrong is greater, and the victim more helpless.